

Remarks

Upon entry of the foregoing amendment, claims 1-13, 16-22, 26-30, 32, and 36-56 are pending in the application, with claims 1, 20, 22, 26, 36, 44, and 51 being the independent claims. Claims 1, 20, 22, 26, 32, 36, 44, and 51 are amended herein. New claims 55 and 56 are sought to be added. Support for new claims 55 and 56 can be found throughout the specification. For example, see page 11, lines 12-15. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

The Office Action rejected claims 1-5, 7-12, 16-22, 26-30, 32, 36-38, 40-41, and 44-54 under 35 U.S.C. § 103(a) as being unpatentable over Tal U.S. Pat. No. 4,975,969 (hereinafter Tal) in view of Morrison *et al.* U.S. Pat. No. 6,522,772 (hereinafter Morrison) and further in view of Fukumitsu *et al.* U.S. Pat. No. 6,141,052 (hereinafter Fukumitsu). Applicants respectfully traverse.

Applicants submit that the combination of Tal, Morrison, and Fukumitsu to reject claims 1, 20, 22, 26, 36, 44, and 51 is improper as the combined references are not from analogous arts. In fact, whereas Tal and Morrison are directed to methods for identity verification using biometric information, Fukumitsu is directed to a personal computer having a rotatable camera mounted thereon. Accordingly, Tal, Morrison, and

Fukumitsu are not from analogous arts, and there is no motivation to combine such disparate references, either internal or external to the references. In addition, Fukumitsu cannot be considered reasonably pertinent, or from within an analogous art, to the identity verification problem with which the present invention is involved. Accordingly, Applicants submit that a *prima facie* case of obviousness has not been established in rejecting claims 1, 20, 22, 26, 36, 44, and 51 because there is no motivation to combine the cited references.

Assuming, *arguendo*, sufficient motivation to combine Tal, Morrison, and Fukumitsu, Applicants have amended claim 1 to recite "taking pictures of an applicant at different positions around said applicant's head". Claims 20, 22, 26, 36, 44, and 51 have also been amended to recite similar features. Neither Tal, Morrison, or Fukumitsu teach or suggest taking pictures at ***different positions around the applicant's head***. In fact, it is physically impossible to take pictures around an applicant's head in a combined system of Tal, Morrison, and Fukumitsu. For example, the camera 18 in Fukumitsu is mounted on a fixed base 17 so that the camera 18 is only capable of rotating on the fixed base (See, Fukumitsu, FIG. 2), and cannot rotate around ***different positions around an applicant's head***, as recited in the independent claims.

For at least the reasons provided above, independent claims 1, 20, 22, 26, 36, 44, and 51, as amended, are patentable over Tal, Morrison, and Fukumitsu. Reconsideration and withdrawal of the rejection of claims 1, 20, 22, 26, 36, 44, and 51 is respectfully requested.

Claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 each depend directly or indirectly from one of claims 1, 20, 36, 44, and 51. For at least the reasons provided

above with respect to claims 1, 20, 36, 44, and 51, claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 are patentable over Tal, Morrison, and Fukumitsu. Reconsideration and withdrawal of the rejections of claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 is respectfully requested.

As for claims 22 and 26, independent claims 22 and 26 recite, among other features, "...said feature data including a forehead-to-chin separation distance of said card owner". In the rejections of claims 22 and 26, the Examiner concedes that Tal does not teach using a forehead-to-chin separation distance, but states that Tal suggests that other facial parameters might be applied.

In col. 4, lines 41-43, Tal recites that "facial points or locations should not be coverable by *haircut style*, beard, moustache, or cosmetic makeup." Accordingly, Tal teaches away from using facial parameters similar to the forehead-to-chin distance, since this would be coverable by haircut style. For this reason and the reasons provided above, claims 22 and 26 are patentable over Tal, Morrison, and Fukumitsu. Reconsideration and withdrawal of the rejections of claims 22 and 26 is respectfully requested.

The Office Action rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Morrison, and further in view of Payne *et al.* U.S. Pat. No. 6,072,894 (hereinafter Payne). Applicants respectfully traverse.

Claim 6 depends from claim 1. For at least the reasons provided above with respect to claim 1, claim 6 is patentable. Payne does not cure the defects of Tal and Morrison discussed above with respect to claim 1. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 6.

The Office Action rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Payne. Applicants respectfully traverse.

Claim 39 depends indirectly from claim 36. For at least the reasons provided above with respect to claim 36, claim 39 is patentable. Payne does not cure the defects of Tal discussed above. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 39.

The Office Action rejected claims 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Morrison, and further in view of Schwab U.S. Pat. No. 5,973,731 (hereinafter Schwab). Applicants respectfully traverse.

Claims 42 and 43 depend indirectly from claim 36. For at least the reasons provided above with respect to claim 36, claims 42 and 43 are patentable. Schwab does not cure defects of Tal and Morrison discussed above. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 39.

Based on the above discussion, Applicants request that claims 1-13, 16-22, 26-30, 32, and 36-54 be passed to allowance. New claims 55 and 56 depend directly from claim 1. Accordingly, for the reasons provided above with respect to claim 1, Applicants submit that claims 55 and 56 are also patentable over the art cited in this Office Action.

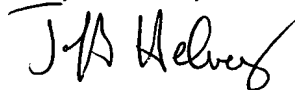
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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